



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,864	03/16/2004	Kenichi Kawaguchi	1163-0498P	1567
2292	7590	02/14/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			ARTHUR JEANGLAUD, GERTRUDE	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/800,864	Applicant(s) KAWAGUCHI ET AL.	
	Examiner Gertrude Arthur-Jeanglaude	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-8 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/16/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Brunts et al. Brunts et al. (U.S. Patent No. 5,887,269).

As to claim 1, Brunts et al. disclose a navigation device having navigation means for making guidance to a set destination, the navigation device including information service means for supplying a user with information, wherein the information service means comprising: a storage part that stores user service information including fixed information (See col. 3, lines 59-67- col. 4, lines 1-14) which is updated at intervals of a predetermined period and update information which is updated at intervals of a period shorter than the predetermined period; (See col. 4, lines 15-26) operation means that provides an instruction of displaying the user service information (See abstract); determination means that determines, in response to the instruction provided by the operation means, on each of the fixed information and the update information whether or not the user service information stored in the storage part is the newest; communications means that acquires, from outside, newest information corresponding to at least one of the fixed information and the update information which are determined to be not the newest by the determination means; update means that updates the user

Art Unit: 3661

service information in the storage part by use of at least one of the fixed information and the update information which are acquired by the communication means; and display means that displays the user service information in the storage part updated by the update means (See abstract; col. 6, lines 39-54; col. 12, lines 18-28).

As to claim 2, Brunts et al. disclose the information service means further comprises location setting means that transmits position information of a location which is displayed on the display means to the navigation means in response to an instruction of setting a location that is provided by the operation means , and the navigation means sets a location on the basis of the position information transmitted by the location setting means and makes a guidance to the set location (See col. 6, lines 39-54; col. 11, lines 47-17)

As to claim 3, Brunts et al. inherently discloses a navigation program within the navigation system 10A and a separable program (memory card) capable of being separated from a navigation program of a computer program composing the navigation means and the separable program is updated independently of the navigation program (See col. 6, lines 39-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunts et al. (U.S. Patent No. 5,887,269) in view of Sasaki et al. (U.S. Pub 20020083065).

As to claim 4, Brunts et al. disclose the update information as discussed but fail to specifically disclose that the update information is composed of at least anyone of ski area information including snow cover, weather and sliding conditions, blooming information, and autumn colors information including kinds of trees, degree of autumn colors and weather. In an analogous art, Sasaki et al. disclose a control information output and information system wherein it discloses route guidance with ski information (See paragraph 0068). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Brunts et al. with that of Sasaki et al. by having a ski information in the information system/service in order to provide control information to a user based upon request.

As to claim 5, Brunts discloses an information supply comprising a storage part that stores user service information including fixed information which is updated at intervals of a predetermined period and update information which is updated at intervals of a period shorter than the predetermined period; and communications means that transmits, in response to a request from outside, at least one of the fixed information and the update information which are stored in the storage part (See col. 3, lines 59-67- col. 4, lines 1-14; col. 4, lines 15-26; abstract; col. 6, lines 39-54; col. 12, lines 18-28). Brunts et al. fail to specifically disclose that it is an information supply server. In an analogous art, Sasaki et al. disclose an information supply server (See

paragraph 0013, 0189). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Brunts et al. with that of Sasaki et al. by having a server information supply service in order to provide control information to a user based upon request.

Allowable Subject Matter

Claims 6-8 are allowed. The prior art fails to disclose an information service system comprising a navigation device having navigation means for making guidance to a set destination, and an information supply server, which are connected through a network, wherein the navigation device includes information service means for supplying a user with information and the information service means has a first storage part and a second storage part wherein the first storage part stores user service information including fixed information which is updated at intervals of a predetermined period and update information which is updated at intervals of a period shorter than the predetermined period and the update means that updates the user service information in the first storage part by use of at least one of the fixed information and the update information which are acquired by the communication means; and the second storage part stores user information including fixed information which is updated at intervals of a predetermined period and update information which is updated at intervals of a period shorter than the predetermined period and communication means that transmits, in response to a request from the navigation device, at least one of the fixed information and the update information which are stored in the second storage part. These limitations are neither taught nor obvious by the prior art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mori et al. (U.S. Pub No 20020103781).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ



February 8, 2006


GERTRUDE A. JEANGLAUDE
PRIMARY EXAMINER